D.B. CIVIL SPECIAL APPEAL NO.101/2006

[Nathu Lal **Vs.** State of Raj. & Ors.]

Date 11.05.2006

PRESENT

HON'BLE MR.JUSTICE RAJESH BALIA

HON'BLE MR. JUSTICE R.P. VYAS

Mr. Shambhoo Singh Rathore for the appellant.

Having heard learned counsel for the appellant we find no merit in this appeal.

Admittedly in respect of the land in question, the appellant does not claim any title, he only claims to be in unauthorised possession and praying for regularisation.

In these circumstances, if the land has been allotted by the State in favour of the Akashvani Kendra, in exercise of its right as owner of the land and the appellant as a matter of right canot claim regularisation of land over which he has trespassed, no mandamous can be issued to respondents to protect his unauthorised occupation. The application for regularisation of his possession as trespasser cannot take precedence over rights of the

owner to deal with his property.

We are of the opinion that the learned Single Judge was right in dismissing the writ petition in limine and not entertaining the same by exercising the extra-ordinary jurisdiction.

The appeal is, therefore, dismissed.

[R.P. VYAS], J. [RAJESH BALIA], J.

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